

REMARKS

Claims 1-9 and 12-21 are pending in this application, of which claim 13 has been amended. No new claims have been added.

(1) Claims 1-9, 12 and 14-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ishibashi et al. (USP 6,579,657 B1) in view of Vasta (USP 4,572,870).

In response to the Applicant's previous arguments that the claimed invention shows unexpected results, the Examiner states that the comparison was not commensurate in scope with the broadest claim, because thickening materials A-F include pure water and isopropyl alcohol, and also a surfactant. The Examiner also states that thickening material D further includes γ -butyrolactone, and that thickening material E further includes catechin.

(i) However, as shown in Table 1 at page 38, all of the thickening materials A-F include pure water and isopropyl alcohol (page 38, lines 8-9). A surfactant (TN-80) is included in thickening materials A-C, E and F, but is not included in thickening material D (Table 1). The nitrogen-containing compound is included in thickening materials A-E but is not included in thickening material F. As shown in Table 3, space pattern could be formed in thickening materials A-E, but space pattern could not be formed in thickening material F.

Comparing thickening materials A-E with thickening material F, the unexpected results, that is, formation of space pattern, are found to come from inclusion of the nitrogen-containing compound. These results do not show that the unexpected results come from further inclusion of isopropyl alcohol or a surfactant.

Comparing thickening materials A-C with thickening material F, the unexpected results, that is, formation of space pattern, are found to come from inclusion of the nitrogen-containing compound. These results do not show that the unexpected results come from further inclusion of γ -butyrolactone or catechin.

(ii) In addition, Applicants herewith file a declaration under 37C.F.R§1.132 showing that isopropyl alcohol does not affect the thickening effect of the present invention.

(iii) Thus, since the nitrogen-containing compound is recited in the claims, the comparison is commensurate in scope with the claims covering the embodiments showing the unexpected result of the formation of the space pattern. It is unreasonable to recite additional components which substantially do not affect the unexpected results of the present invention.

(iv) Neither Ishibashi et al. nor Vasta suggests or teaches the significance of the formation of space pattern, by inclusion of the nitrogen-containing compound. As argued previously, the presence of a property not possessed by the prior art is evidence of non-

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independent claims 1, 16, 17, 20 and 21 are not obvious over the combination of the references.

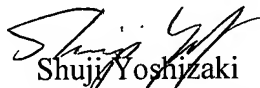
Reconsideration of the rejection is respectfully requested.

(2) Claim 13 has been amended into independent form including all the limitations of the base claim and any intervening claims. Thus, claim 13 should be allowed.

(3) In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date. If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative to arrange for an interview to expedite this case. If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Limited Recognition

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Attachment: Limited Recognition
Amendment Transmittal
Petition for Extension of Time
Declaration under 37 CFR 1.132